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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/175,664	10/20/98	TREECE	H HES-98.0078U
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PM82/0612

EXAMINER

NOVOSAD, C

ART UNIT

PAPER NUMBER

3671

DATE MAILED: 06/12/00

**Please find below and/or attached an Office communication concerning this application or proceeding.**

**Commissioner of Patents and Trademarks**

# Office Action Summary

Application No.

09/175,664

Applicant(s)

TREECE

Examiner

C. Novosad

Group Art Unit

2671

—The MAILING DATE of this communication appears on the cover sheet beneath the correspondence address—

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, such period shall, by default, expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).

## Status

- ☒ Responsive to communication(s) filed on MAY 12, 2000
- ☐ This action is **FINAL**.
- ☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- ☒ Claim(s) 1-34 is/are pending in the application.  
Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- ☒ Claim(s) 15-34 is/are allowed.
- ☒ Claim(s) 1, 7-12 AND 14 is/are rejected.
- ☒ Claim(s) 2-6 AND 13 is/are objected to.
- ☐ Claim(s) \_\_\_\_\_ are subject to restriction or election requirement.

## Application Papers

- ☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.
- ☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.
- ☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.
- ☐ The specification is objected to by the Examiner.
- ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. § 119 (a)-(d)

- ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
  - ☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been received.
  - ☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_
  - ☐ received in this national stage application from the International Bureau (PCT Rule 1.7.2(a)).

\*Certified copies not received: \_\_\_\_\_

## Attachment(s)

- ☒ Information Disclosure Statement(s), PTO-1449, Paper No(s) 2
- ☐ Interview Summary, PTO-413
- ☐ Notice of Reference(s) Cited, PTO-892
- ☐ Notice of Informal Patent Application, PTO-152
- ☐ Notice of Draftsperson's Patent Drawing Review, PTO-948
- ☐ Other \_\_\_\_\_

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### Part III DETAILED ACTION

Claims 35-43 have been canceled.

#### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. § 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 7-12 and 14 are rejected under 35 U.S.C. § 102(b) as anticipated by Giroux et al.

Figure 30a of the reference is relied on. Giroux et al (Fig. 30a) discloses a cementing plug 800, 802 for use in cementing casing in a well comprising the identical elements recited in each of the claims. The recited "body member" is met by the body 846 comprised of integral core 844 and dart-receiver 830 (col. 17, lines 7 to 9) of Giroux et al. The recited "elastomeric jacket" and "wiper cup" (claims 1 and 10) or "plurality of said wiper cups" (claim 11) are met in the reference (col. 17, lines 8 and 9) by a corresponding elastomeric jacket (not numbered) with integrally-formed wiper cups or fins 850 thereon. Note that the wiper cups 850 of Giroux et al each define "a conical outer surface extending upwardly and outwardly at an acute angle with respect to a longitudinal axis of the plug," as called for in claims 9 and 10. Further, since no specific defining

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structure of the "insert" is recited in any of these claims, the recitations of "an insert...being one of a plurality of interchangeable inserts" (claim 1), and "an insert...being a selected one of a plurality of inserts" (claim 12), are each clearly met by the equally interchangeable "ball or dart" disclosed in Giroux et al (col. 17, lines 12 and 13). The referred to "ball" or, alternatively, conventional well "dart" of Giroux et al are each disposed in the central opening or flow bore 848 of the body member 846 (like the insert of applicant) "for at least temporary closure thereof", as recited in claims 1 and 12.

With regard to claims 7 and 14, the seating sealing surface 852 on the integral body member 830, 844 of Giroux et al (Fig. 30a) clearly meets the "shoulder in said central opening" or "shoulder defined on said body member" recited in the respective claims.

Claims 1, 7-12 and 14 are rejected under 35 U.S.C. § 102(b) as being anticipated by Watson et al. (European Patent 697,496 to the Halliburton Company).

Figure 4 and column 8, lines 44 to 55 of Watson et al. are relied on. Again, the elements of the cementing plug, as broadly recited in these claims, i.e, the "body member", "elastomeric jacket", "wiper cup" or "cups", and "interchangeable inserts" are disclosed in the reference. Moreover, the broadly-recited "interchangeable inserts" (claim 1), or the "selected one of a plurality of inserts" (claim 12) are each clearly met by the interchangeable seal members or inserts of Watson et al, i.e. "the seal member 142 known as a drill pipe plug" (column 8, lines 47 - 49) or "other seal members such as those commonly referred to as darts can be used in place of the drill pipe plug 142" (col. 8, lines 53 -55).

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Claims 10 and 11 are rejected under 35 U.S.C. § 102(b) as being anticipated by either of Bradley or McMullin. The cementing plugs 11b and 111 (Figs. 1, 2 and 5) of Bradley and cementing plugs 56, 58 of McMullin (Figs. 1 - 3) meet the cementing plug structure broadly recited in these claims.

*Allowable Subject Matter*

Claims 2-6 and 13 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 15-34 are allowable over the prior art of record.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chris Novosad whose telephone number is (703) 308-2246.



Christopher J. Novosad

Primary Examiner, Art Unit 3671

June 12, 2000